

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**MICHAEL MAESTAS, THOMAS MAY,
JUANITO MARQUEZ, and
JAHMAAL GREGORY**

Plaintiffs,

v.

No. 09-cv-0019 WJ/SMV

**DAY & ZIMMERMAN, LLC and
SOC, LLC,**

Defendant.

AMENDED INITIAL SCHEDULING ORDER

This case is assigned to me for scheduling, case management, discovery, and all non-dispositive motions. Both the Federal Rules of Civil Procedure, as amended, as well as the Local Rules of the Court apply to this lawsuit. Civility and professionalism will be required of counsel. Counsel shall read and comply with “A Lawyer’s Creed of Professionalism of the State Bar of New Mexico.” Considering the procedural posture of this case and that the undersigned as recently been assigned, a new Rule 16 Scheduling Conference is warranted.

The parties, appearing through counsel or pro se, will “meet and confer” no later than **January 16, 2014**, to formulate an amended Provisional Discovery Plan. Fed R. Civ. P. 26(f). The time allowed for discovery is generally 150 to 180 days and will run from the Rule 16 scheduling conference. Initial disclosures under Fed R. Civ. P. 26(a)(1) shall be made within fourteen days of the meet-and-confer session, if they have not been made already.

The parties will cooperate in preparing an amended Joint Status Report and Provisional Discovery Plan (“JSR”), following the sample JSR available at the Court’s web site. The blanks

for suggested/proposed dates are to be filled in by the parties. Actual case management deadlines will be determined by the Court after consideration of the parties' requests. Plaintiff (or Defendant in removed cases) is responsible for filing the amended JSR by **January 23, 2014**.

Parties may not modify case management deadlines on their own. Good cause must be shown and the Court's express and written approval obtained for any modification of the dates in the scheduling order that issues from the amended JSR.

A Rule 16 scheduling conference will be held by telephone on **February 6, 2014, at 1:30 p.m.** Parties shall call Judge Vidmar's "Meet Me" line at **505-348-2357** to be connected to the proceedings.¹ Counsel shall be prepared to discuss the following: discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a *Daubert* hearing is needed, *see Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 590–92 (1993), initial disclosures, and the timing of expert disclosures and reports under Fed R. Civ. P. 26(a)(2). We will also discuss settlement prospects, alternative dispute resolution possibilities, and consideration of consent pursuant to 28 U.S.C. § 636(c). Client attendance is not required.

Pre-trial practice in this case shall be in accordance with the foregoing.

IT IS THEREFORE ORDERED that the deadlines shall be as follows:

Meet and Confer by: **Jan. 16, 2014**

Amended JSR filed by: **Jan. 23, 2014**

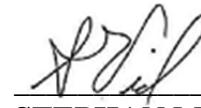
¹ The "Meet Me" line accepts no more than five incoming telephone lines at a time. Counsel shall coordinate with each other *prior to the conference* to ensure that no more than five incoming telephone lines are utilized.

**Initial Disclosures due within fourteen days of the
meet-and-confer session, but in no event later than:**

Jan. 30, 2014

Telephonic Rule 16 Scheduling Conference:

Feb. 6, 2014, at 1:30 p.m.



STEPHAN M. VIDMAR
United States Magistrate Judge